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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,283	10/17/2001	Wayne C. Roach	052050-0009	5019
28977	7590	12/19/2005	EXAMINER	
MORGAN, LEWIS & BOCKIUS LLP 1701 MARKET STREET PHILADELPHIA, PA 19103-2921			SHAW, PELING ANDY	
			ART UNIT	PAPER NUMBER
			2144	
DATE MAILED: 12/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/981,283	Applicant(s) ROACH ET AL.	
	Examiner Peling A. Shaw	Art Unit 2144	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 and 15-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>09/23/2005</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. Amendment received on 09/23/2005 has been entered. Claims 1-2, 4-9, 13, 15-21, 25-28, 30-31, 33-37 and 41 are amended. Claim 14 is cancelled. Claims 1-13 and 15-41 are still pending.

***Priority***

2. This application has no priority claim made. The filing date is 10/17/2001.

***Claim Rejections - 35 USC § 112, second paragraph***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 13 is rejected under 35 U.S.C. 112, second paragraph as following:

- a. Claim 13 recites the limitation of "The BIntU transceiver of claim ~~49~~, further ...".

There is insufficient antecedent basis for this limitation in the claim. For the purpose of applying art, claim 13 is read as "The BIntU transceiver of claim 9, further ...".

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claim 15 is rejected under 35 U.S.C. 102(e) as being anticipated by Campbell et al. (US 20030140159 A1), hereinafter referred as Campbell.

- a. Regarding claim 15, Campbell disclosed in an Open System Interconnection (OSI) model having at least an application layer and a transport layer represented by a user datagram protocol (UDP), a data structure included in UDP packet to be generated by a broadband interface unit (BIntU) transceiver, the UDP packet comprising: frame header information generated at the application layer that is used to trigger a return packet to indicate at a remote location that the UDP packet with frame header information generated at the application layer is received at the remote location (page 2, paragraph 26; page 5, paragraph 88-89; page 6, paragraph 98-108).

Campbell disclosed all limitations of claim 15. Claim 15 is rejected under 35 U.S.C. 102(e).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13 and 17-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell et al. (US 20030140159 A1), hereinafter referred as Campbell in view of Herrod (US 20030065784 A1), hereinafter referred as Herrod, Felsher (US 20020010679 A1), hereinafter referred as Felsher and Gutmann et al. (US 5774674 A), hereinafter referred as Gutmann.

- a. Campbell shows (claim 1) in an Open System Interconnection (OSI) model having at least an application layer and a transport layer represented by a user datagram protocol (UDP), (abstract: a client/server system for transmitting/retrieving real-time media information); a transmitter portion that is configured to transmit UDP packets that include frame header information generated at the application layer to the data distribution center, wherein the first BIntU transceiver is configured to interface with the data distribution center or a second BIntU transceiver to indicate when UDP packets including frame header information generated at the application layer and transmitted from the first BIntU transceiver to the data distribution center or the second BIntU transceiver are being (page 2, paragraph 26; page 5, paragraph 88-89; page 6, paragraph 98-108). Campbell does not show a first broadband interface unit (BIntU) transceiver associated with a broadband network system wherein the first broadband network system further includes a data distribution center.
- b. Herrod shows (claim 1) a first broadband interface unit (BIntU) transceiver associated with a broadband network system (page 7, paragraph 81) wherein the first broadband network system further includes a data distribution center maintaining connectivity between applications during communications by mobile computer terminals operable in wireless networks in an analogous art for the purpose of maintaining connectivity between applications during communications by mobile computer terminals operable in wireless networks.
- c. Neither Campbell nor Herrod shows (claim 9) wherein the UDP packets that include frame header information generated at the application layer are received by the data

distribution center or transmitted by the data distribution center using security techniques.

- d. Felsher shows (claim 9) wherein the UDP packets that include frame header information generated at the application layer are received by the data distribution center or transmitted by the data distribution center using security techniques (page 43, paragraph 343) in an analogous art for the purpose of system, method and infrastructure for maintaining electronic medical records.
- e. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Campbell's functions of transmitting and/or retrieving real-time video and audio information with Herrod's functions of data distribution center and Felsher's functions for accessing security.
- f. The modification would have been obvious because one of ordinary skill in the art would have been motivated to incorporate the latest accessing security technology per Felsher's teaching in the real-time video and audio transmission/retrieval per Campbell's teaching over the more recent technology advancement in the area of wireless local area network per Herrod's teaching.
- g. Regarding claim 2, Campbell shows wherein the data distribution center generates a return packet in response to the UDP packets that include frame header information generated at the application layer, wherein the return packet is transmitted from the second BIntU transceiver via the data distribution center to the BIntU transceiver (page 5, paragraph 88-89; page 6, paragraph 98-108).

- h. Regarding claim 3, Campbell shows further comprising software associated with the first BIntU transceiver that permits the first BIntU transceiver to interface with the second BIntU transceiver or the data distribution center (page 6, paragraph 110).
- i. Regarding claim 4, Campbell shows further comprising: a receiver portion that is configured to receive a return packet from the data distribution center of the second BIntU transceiver to indicate that the data distribution center or the second BIntU transceiver received at least one of the UDP packets including frame header information generated at the application layer from the first BIntU transceiver (page 5, paragraph 88-89; page 6, paragraph 98-108).
- j. Regarding claim 5, Campbell shows wherein the UDP packets including frame header information generated at the application layer include at least one from audio, video, and other data (page 5, paragraph 88-89; page 6, paragraph 98-108).
- k. Regarding claim 6, Campbell shows wherein at least one of the UDP packets including frame header information generated at the application layer further includes an applet (page 2, paragraph 23; page 6, paragraph 100).
- l. Regarding claim 7, Campbell shows wherein the first BIntU transceiver interfaces with first data distribution center, wherein the first BIntU transceiver receives a return packet from the data distribution center in response to at least one of the UDP packets including frame header information generated at the application layer (page 5, paragraph 88-89; page 6, paragraph 98-108).
- m. Regarding claim 8, Campbell shows wherein at least one of the UDP packets including frame header information generated at the application layer further includes

- an applet, and wherein the return packet is returned in response to the applet (page 2, paragraph 23; page 6, paragraph 100; page 5, paragraph 88-89; page 6, paragraph 98-108).
- n. Regarding claim 10, Felsher shows wherein the security techniques utilize biometric technology that may be accessed by the data distribution center (page 3-4, paragraph 42-44; page 35, paragraph 245; page 42, paragraph 330).
- o. Regarding claim 11, Felsher shows wherein the security techniques utilize smart card technology that may be accessed by the data distribution center (page 43, paragraph 343).
- p. Regarding claim 12, Felsher shows wherein the security techniques include a private key located at the BIntU transceiver that may be accessed by the data distribution center (page 43, paragraph 343).
- q. Regarding claim 13, Felsher shows further comprising a data distribution center that interfaces with the first BIntU transceiver, wherein the data distribution center or the second BIntU transceiver selectively transmits a return packet to the first BIntU transceiver in response to at least one of the UDP packets that include frame header information generated at the application layer, and wherein an end user at the second BIntU transceiver can access at least one of the UDP packets that include frame header information generated at the application layer based on the security techniques (page 43, paragraph 343).
- r. Claims 17-25 are of the same scope as claims 1-2, 6 and 8-13. These are rejected for the same reasons as for claims 1-2, 6 and 8-13.



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- s. Claims 26-27 are of the same scope as claim 1. These are rejected for the same reasons as claim 1.

Together Campbell, Herrod and Felsher disclosed all limitations of claims 1-13 and 17-27.

Claims 1-13 and 17-27 are rejected under 35 U.S.C. 103(a).

- 6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell et al. (US 20030140159 A1), hereinafter referred as Campbell as applied to claim 15 above, and further in view of Herrod (US 20030065784 A1), hereinafter referred as Herrod.

- a. Campbell discloses claim 15 as above. Campbell does not show wherein the remote location is a data distribution center that transmitted the UDP packet on with frame header information generated at the application layer to the BIntU transceiver.
- b. Herrod shows wherein the remote location is a data distribution center that transmitted the UDP packet on with frame header information generated at the application layer to the BIntU transceiver (page 7, paragraph 81) in an analogous art for the purpose of maintaining connectivity between applications during communications by mobile computer terminals operable in wireless networks.
- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Campbell's functions of transmitting and/or retrieving real-time video and audio information with Herrod's functions of wireless local area network.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to use the technology advancement in the area of wireless

local area network per Herrod's teaching in the real-time video and audio transmission/retrieval per Campbell's teaching.

Together Campbell and Herrod disclosed all limitations of claim 16. Claim 16 is rejected under 35 U.S.C. 103(a).

7. Claims 28-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell et al. (US 20030140159 A1), hereinafter referred as Campbell in view of Felsher (US 20020010679 A1), hereinafter referred as Felsher and Gutmann et al. (US 5774674 A), hereinafter referred as Gutmann.

- a. Campbell shows (claim 28) in an Open System Interconnection (OSI) model having at least an application layer and a transport layer represented by a user datagram protocol (UDP), a BIntU transceiver for transmitting a UDP packet that includes frame header information generated at the application layer to an end user (abstract: a client/server system for transmitting/retrieving real-time media information abstract; page 6, paragraph 107-108: using UDP to encode video, audio and VDP). Campbell does not show an encoder/decoder (codec) configured to code UDP frame information; a digital signal processor (DSP) portion coupled to the codec, wherein the DSP portion includes a stack, the DSP portion temporarily stores the UDP frame information as UDP packet within the stack, and the UDP packet is in a form to be transmitted directly to a network destination address device.
- b. Gutmann shows (claim 28) an encoder/decoder (codec) configured to code and store UDP frame information in a form to be transmitted directly to a network destination address device (column 5, line 32-34 and 65-67) in an analogous art for the purpose

of negotiating at least two sets of video capabilities between two nodes to perform video conferencing between the nodes according to the selected set.

- c. Neither Campbell nor Gutmann shows (claim 37) wherein the UDP packet are received by the data distribution center or transmitted by the data distribution center using security techniques.
- d. Felsher shows (claim 37) wherein the UDP packet is generated using security techniques (page 43, paragraph 343) in an analogous art for the purpose of system, method and infrastructure for maintaining electronic medical records.
- e. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Campbell's functions of transmitting and/or retrieving real-time video and audio information with Felsher's functions for accessing security and Gutmann's functions of using DSP for communication and information coding and decoding.
- f. The modification would have been obvious because one of ordinary skill in the art would have been motivated to incorporate the latest accessing security technology per Felsher's teaching in the real-time video and audio transmission/retrieval per Campbell's teaching with the current advanced DSP technology per Gutmann's teaching.
- g. Regarding claim 29, Campbell shows further comprising a buffer that dynamically assigns display specifications based on application requirements (page 7, paragraph 120 and 130-131; page 8, paragraph 145).

- h. Regarding claim 30, Campbell shows wherein the frame header information generated at the application layer triggers an indicator of UDP delivery of header information (page 2, paragraph 26; page 5, paragraph 88-89; page 6, paragraph 98-108).
- i. Regarding claim 31, Campbell shows further comprising a processor, wherein the UDP packet is generated and transmitted to the end user independently of a computer processor (page 2, paragraph 23 and 26; page 5, paragraph 88-89; page 6, paragraph 98-108).
- j. Regarding claim 32, Gutmann shows wherein the architecture of the DSP portion includes a controller/processor (Fig. 2 and 4).
- k. Regarding claim 33, Campbell shows wherein the UDP packet that includes frame header information generated at the application layer further includes a portion to convey at least one from the group of audio, video, and other data (page 5, paragraph 88-89; page 6, paragraph 98-108).
- l. Regarding claim 34, Campbell shows wherein the UDP packet that includes frame header information generated at the application layer further includes an applet (page 2, paragraph 23; page 6, paragraph 100).
- m. Regarding claim 35, Campbell shows wherein the BIntU transceiver interfaces with a data distribution center, and wherein the data distribution center thereupon transmits, or conveys, a return packet to the BIntU transceiver in response to the UDP packet that includes frame header information generated at the application layer (page 5, paragraph 88-89; page 6, paragraph 98-108).

- n. Regarding claim 36, Campbell shows wherein the UDP packet that includes frame header information generated at the application layer further includes an applet, and wherein the return packet is transmitted in response to the applet (page 5, paragraph 88-89; page 6, paragraph 98-108).
- o. Regarding claim 38, Felsher shows wherein the security techniques utilize biometric technology (page 3-4, paragraph 42-44; page 35, paragraph 245; page 42, paragraph 330).
- p. Regarding claim 39, Felsher shows wherein the security techniques utilize smart card technology (page 43, paragraph 343).
- q. Regarding claim 40, Felsher shows wherein the security techniques utilize a private key (page 43, paragraph 343).
- r. Regarding claim 41, Felsher shows wherein the BIntU transceiver interfaced with a data distribution center, wherein the data distribution center selectively transmits a return packet to the BIntU transceiver in response to the UDP packet that includes frame header information generated at the application layer, and wherein an end user at a second BIntU transceiver can access the UDP packet based on the security techniques (page 43, paragraph 343).

Together Campbell, Felsher and Gutmann disclosed all limitations of claims 28-41. Claims 28-41 are rejected under 35 U.S.C. 103(a).

***Response to Arguments***

8. Applicant's arguments filed on 09/23/2005 have been fully considered, but they are not persuasive.
  - a. In response to applicant's statements on amended changes, Campbell has clearly described its proposed VDP as layered on the top of UDP (paragraph 108) for carrying video datagram with functions (carried in frame header information) described in paragraphs 98-108. Campbell has the amended limitations as cited in the rejections above.

*Conclusion*

9. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The examiner can normally be reached on M-F 8:00 - 4:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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